

11/16/2011

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS	DEFENDANTS
Securities Investor Protection Corporation	Bernard L. Madoff Securities, LLC
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)
Attorneys for appellant AXA Private Management: MAYER BROWN LLP, New York, NY 10019, 212-506-2500	Attorneys for Trustee: BAKER & HOSTETLER LLP, 45 Rockefeller Plaza, New York, NY 10111, 212-589-4200
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)	
Bankruptcy Appeal under 28 U.S.C. § 158. Appeal of decision affirming the SIPA Trustee's denial of "customer" claim.	

Has this or a similar case been previously filed in SDNY at any time? No? Yes? Judge Previously Assigned Burton R. Lifland

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. 08-01789

(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT

ACTIONS UNDER STATUTES				
	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	APPEAL	STATE REAPPORTIONMENT
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 422 28 USC 158	[] 410 ANTitrust
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 423 WITHDRAWAL 28 USC 157	[] 430 BANKS & BANKING
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 430 COMMERCIAL DEPORTATION	[] 450 COMMERCE
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 381 LIQUOR LAWS LIABILITY	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	[] 460 CONSUMER CREDIT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	[] 390 OCCUPATIONAL SAFETY/HEALTH	[] 480 TRADEMARK	[] 490 CABLE/SATELLITE TV
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 390 OTHER	[] 820 COPYRIGHTS	[] 510 SELECTIVE SERVICE
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 830 PATENT	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK	[] 875 CUSTOMER CHALLENGE
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 851 HIA (1395ff)	[] 880 12 USC 3410 OTHER STATUTORY ACTIONS
[] 190 OTHER CONTRACT		[] 385 PROPERTY DAMAGE	[] 852 BLACK LUNG (923)	[] 881 AGRICULTURAL ACTS
[] 195 CONTRACT PRODUCT LIABILITY		[] 390 PRODUCT LIABILITY	[] 853 DIWC/DIW (405(g))	[] 882 ECONOMIC STABILIZATION ACT
[] 198 FRANCHISE	ACTIONS UNDER STATUTES		[] 854 SSDI TITLE XVI	[] 883 ENVIRONMENTAL MATTERS
	CIVIL RIGHTS	PRISONER PETITIONS	[] 855 RSI (405(g))	[] 884 ENERGY ALLOCATION ACT
REAL PROPERTY		[] 791 EMPL RET INC SECURITY ACT	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 885 FREEDOM OF INFORMATION ACT
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	[] 871 IRS-THIRD PARTY 26 USC 7609	[] 900 APPEAL OF FEE DETERMINATION
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 20 USC 2255		[] 900 UNDER EQUAL ACCESS TO JUSTICE
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS		[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY		
[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER		
[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS		
	[] 440 OTHER CIVIL RIGHTS	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE Denise L. Cote DOCKET NUMBER 11-cv-5683

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)							ORIGIN
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2a. Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment	
<input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se.							

(PLACE AN X IN ONE BOX ONLY)				BASIS OF JURISDICTION	IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1322, 1441)	
<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY			

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1 DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3 DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5 DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellant: AXA Private Management
Fred W. Reinke
John M. Conlon
Jeffrey G. Tougas
MAYER BROWN LLP
1675 Broadway
New York, New York 10019

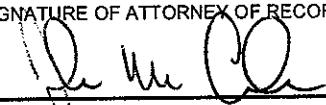
DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE	SIGNATURE OF ATTORNEY OF RECORD	ADMITTED TO PRACTICE IN THIS DISTRICT <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (DATE ADMITTED Mo. <u>8</u> Yr. <u>92</u>) Attorney Bar Code # <u>JC 3616</u>
RECEIPT #		

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)